

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL KLEEBERG, LISA STEIN and  
AUDREY HAYS,

Plaintiffs,

vs.

**NOTICE OF MOTION**

LESTER EBER; ALEXBAY, LLC f/k/a LESTER EBER,  
LLC; CANANDAIGUA NATIONAL CORPORATION  
d/b/a CANANDAIGUA NATIONAL BANK & TRUST;  
ELLIOT W. GUMAER, JR.; EBER BROS. & CO., INC.;  
EBER BROS. WINE AND LIQUOR CORPORATION;  
EBER BROS. WINE & LIQUOR METRO, INC.; EBER-  
CONNECTICUT, LLC ; and WENDY EBER

**Civ. Action No.:**  
**1:16-cv-09517-LAK**

Defendants.

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**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Donald W. O'Brien, Jr., Esq., dated February 5, 2019, with exhibits annexed thereto, and the accompanying Memorandum of Law with proposed claim, dated February 5, 2019, Canandaigua National Corporation d/b/a Canandaigua National Bank & Trust ("CNB"), by and through its attorneys, Woods Oviatt Gilman LLP, will move this Court for an Order (1) granting leave to CNB to intervene pursuant to Fed. R. Civ. P. 24(a) or (b), and (2) allowing CNB to assert a request for interpleader pursuant to Fed. R. Civ. P. 22(a), together with such other relief as the Court deems appropriate.

Dated: February 5, 2019  
Rochester, New York

WOODS OVIATT GILMAN LLP

By:

  
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